

ESTTA Tracking number: **ESTTA726460**

Filing date: **02/11/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	RiGO Trading S.A.		
Entity	Corporation	Citizenship	Luxembourg
Address	6, Route de Treves EBBC, Building E Senningerberg, L-2633 LUXEMBOURG		

Attorney information	Mark J. Liss Leydig, Voit & Mayer, Ltd. 180 N. Stetson Avenue, Suite 4900 Two Prudential Plaza Chicago, IL 60601 UNITED STATES mliss@leydig.com, saagaard@leydig.com Phone:312-616-5600
----------------------	--

Registration Subject to Cancellation

Registration No	1382557	Registration date	02/11/1986
Registrant	NEW ENGLAND CONFECTIONERY COMPANY 135 AMERICAN LEGION HIGHWAY REVERE, MA 02151 UNITED STATES		

Goods/Services Subject to Cancellation

Class 030. First Use: 1984/07/05 First Use In Commerce: 1984/07/05 All goods and services in the class are cancelled, namely: CANDY
--

Grounds for Cancellation

Abandonment	Trademark Act section 14
-------------	--------------------------

Attachments	285860 Petition for Cancellation of GUMMI GHOSTS 2-11-2016.pdf(522470 bytes)
-------------	---

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Mark J. Liss/
Name	Mark J. Liss
Date	02/11/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

RIGO TRADING S.A.

Petitioner,

v.

NEW ENGLAND CONFECTIONERY
COMPANY.

Registrant-Respondent.

)
)
) Cancellation No. _____
)
)
)

) Registration No. 1,382,557
) Registration Date: February 11, 1986
)
)
)
)

PETITION FOR CANCELLATION

RiGO Trading S.A. ("Petitioner"), a S.A. corporation of Luxembourg, located and doing business at 6, Route de Treves, EBBC, Building E, Senningerberg L-2633, Luxembourg, believes that it is or will be damaged by Registration No. 1,382,557 and hereby petitions to cancel the same.

New England Confectionery Company ("Registrant-Respondent") filed Registration No. 1,382,557 on July 23, 1984 for the mark "GUMMI GHOSTS" ("Registration"). The mark was registered on the Principal Register in Class 30 for "candy" on February 11, 1986. The Registrant-Respondent claimed first use of the mark in connection with the goods on July 5, 1984 and first use of the mark in connection with the goods in commerce on July 5, 1984.

As grounds of this petition, it is alleged that:

1. Petitioner is in the business of producing and selling confectionery worldwide, including, but not limited to, gummi candy, fruit chewing gum, and other candies and sweets.
2. Petitioner has a bona fide interest in using “GHOST” and “GUMMI,” including variations thereof, in connection with its confectionery goods.
3. Given Registrant-Respondent’s existing Registration, Petitioner is concerned that it will be prevented from registering marks that include “GHOST” and “GUMMI,” or variations thereof.
4. Furthermore, Petitioner’s investigation of Registrant-Respondent has revealed that Registrant-Respondent is no longer using the mark “GUMMI GHOSTS” in U.S. commerce.
5. As a result, Petitioner believes that it will be damaged by the continued registration of Registrant-Respondent’s “GUMMI GHOSTS” mark as shown in the Registration.

WHEREFORE, Petitioner prays that Registration No. 1,382,557 be canceled and that this Petition for Cancellation be sustained in favor of Petitioner.

Electronically submitted herewith is the applicable fee of \$300 for filing this cancellation action. Please charge any deficiencies to Petitioner’s counsel’s deposit account, No. 12-1216.

Respectfully submitted,

Date: February 11, 2016

A handwritten signature in dark ink, appearing to read "M. J. Liss", is written over a horizontal line.

Mark J. Liss
Sarah E. Aagaard
Leydig, Voit & Mayer
Two Prudential Plaza
180 N. Stetson Avenue, Suite 4900
Chicago, Illinois 60601
312-616-5600
Attorneys for Petitioner

CERTIFICATE OF ELECTRONIC FILING

The undersigned attorney hereby certifies that the attached **PETITION FOR CANCELLATION** was filed electronically with the Trademark Trial and Appeal Board on February 11, 2016.


Sarah E. Aagaard

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of this **PETITION FOR CANCELLATION** was served by Federal Express on February 11, 2016 to the following address, such being the Registrant's correspondence address listed in the USPTO's TSDR database as of this date:

Thomas V. Smurzynski
Lahive & Cockfield LP
28 State Street
Boston, Massachusetts 02109-1803


Sarah E. Aagaard